

AIR QUALITY COMMITTEE

**Virtual Public Meeting on
Cisco's WebEx Teleconferencing Service**

September 9, 2020

9:00 A.M. - 9:45 A.M.

Shannon M. Arata, Chair, Presiding

In the event the previously scheduled Committee meeting adjourns prior to the estimated adjournment time, the other Committee meeting may be called to order, by the Chairman, fifteen minutes after the previous meeting adjourned.

Meeting audio and presentations will be broadcast via the state web conferencing link posted on the Environmental Management Commission website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>.

Items marked with an asterisk () will be presented orally at the meeting only upon a request by a Committee member and can be approved where required as a group. Also, items marked with a less-than sign (<) have no agenda item pages in the package.*

I. Preliminary Matters:

1. Call to Order and Notice of NCGS § 138A-15Chairman Shannon M. Arata

General Statute § 138A-15 mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.

2. [Approval of minutes from the Air Quality Committee meeting on July 8, 2020.](#)

II. Concepts:

1. [Adoption of Final Emission Guidelines for Existing Landfills](#) (540) (Rahat Ashique, DAQ)

Explanation: To revise the municipal solid waste landfill rules to adopt the final emission guidelines for existing landfills.

POWERPOINT PRESENTATION

2. [Revisions to Update Nitrogen Oxides \(NOx\) State Implementation Plan \(SIP\) Rules \(552\)](#) (Joelle Burleson, DAQ)

Explanation: To revise the Nitrogen Oxides (NOx) State Implementation Plan (SIP) rules to address EPA comments and establish alternative monitoring provisions for "Orphan Sources"

POWERPOINT PRESENTATION

III. Action Items:

1. [Request for Approval of 30 day Waiver on Rule Revisions and Fiscal Note to the Fee Structure Revisions for North Carolina's Title V Operating Permit Program and for Approval to Proceed to Public Hearing on Rule Revisions to 15A NCAC 02Q .0203 and Fiscal Note \(551\)](#) (Katherine Quinlan, DAQ)

Explanation: To update the fee structure in 15A NCAC 02Q .0203, *Permit and Application Fees*, to sufficiently cover all reasonable (direct and indirect) costs required to develop and administer North Carolina's Title V operating permit program.

POWERPOINT PRESENTATION

Attachment A – 15A NCAC 02Q .0203

Attachment B – Fiscal Note

IV. September EMC Agenda Items:

1. * [Request Approval of Hearing Officers' Report on Adoption of Control of Emissions from Log Fumigation Operations, 15A NCAC 02D .0546 and Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 and Final Approval of Fiscal Note \(548\)](#) (Michael Pjetraj, DAQ)

Explanation: To protect the health of all persons that may live or work in areas subject to airborne releases of methyl bromide from log fumigation operations, the EMC is proposing to adopt a rule that regulates these emissions using an Acceptable Ambient Level (AAL), which limits the concentration of methyl bromide or other fumigants beyond the fence line of a facility. A virtual public hearing was held for this rulemaking on May 4, 2020 via Cisco's WebEx teleconferencing service.

Hearing Officer Arata: Recommends the proposed adoption of 15A NCAC 02D .0546, the proposed amendment of 15A NCAC 02D .1104 with an AAL of 0.005 mg/m³ with an annual average time and an AAL of 0.078 mg/m³ with a 24-hour average time for methyl bromide, the Fiscal Note and Addendum to Fiscal Note, and this Hearing Officers' Report be adopted by the Environmental Management Commission. The pairing of these long-term and short-term values was endorsed by the Secretaries' Science Advisory Board and unanimously supported by medical professionals who submitted comments during the notice and comment period. The vast majority of commenters supported these proposed AALs as the option most protective of public health and the environment. The proposed rules may be amended in the future as new information about large-scale log fumigation operations' impacts becomes available. However, at present, the relative lack of relevant scientific information, concerns about acute spikes in emissions during a 24-hour averaging time, and serious known human health impacts warrant the Environmental Management Commission's adoption of an AAL of 0.005 mg/m³ with an annual average time and an AAL of 0.078 mg/m³ with a 24-hour average time.

Hearing Officer Carter: Recommends adoption of EPA's 24-hour bystander No Observable Adverse Effects Level (NOAEL) of 1.29 mg/m³ as the 24-hour Acceptable Ambient Level (AAL) for methyl bromide. This protective level has been established by the Environmental Protection Agency (EPA) from extensive health effects assessments and evaluations by the toxicologists and health professionals in the agency's Offices of Research and Development and Pesticides. The health and exposure data on which they are based comes from many years of regulatory data and experience with methyl bromide usage from the EPA and State pesticide programs.

POWERPOINT PRESENTATION

[Attachment A-1 – Hearing Officers' Report Chapters I-IV](#)

[Attachment A-2 – Hearing Officers' Report Chapter V, Comment Period 1](#)

[Attachment A-3 – Hearing Officers' Report Chapter V, Comment Period 2](#)

[Attachment A-4 – Hearing Officers' Report Chapters VI-VII](#)

[Attachment B - Fiscal Note](#)

V. Informational Items:

1.< Director's Remarks (Mike Abraczinskas, DAQ)

2.* **[1995-2020 Air Quality Committee and Environmental Management Commission Calendar](#)**

3.* **[Status of Rulemaking Hearings and Rule Development](#)**

VI.< Closing RemarksChair Shannon
M. Arata

Adjournment: The next Air Quality Committee Meeting is scheduled for November 18, 2020. Due to COVID-19, foreseeable AQC meetings will be held virtually until further notice. The time will be determined as the date approaches.